

# Wetlands Bureau Decision Report

Decisions Taken  
12/29/2008 to 01/04/2009

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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### **2008-02312                      PUBLIC SERVICE OF NH BOW   Unnamed Wetland**

#### Requested Action:

Dredge and fill 29,155 square feet of wetlands for the installation of new air quality structures, and contractor parking, and roadway improvements further described as follows: Temporarily impact 2250 square feet of palustrine forested wetlands, including 1,314 cubic yards of 100-year flood plain for a chimney fabrication area, and permanently impact 26,905 square feet of scrub shrub wetlands for contractor parking and roadway improvements.

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#### Conservation Commission/Staff Comments:

The project is proposing an in-lieu fee payment of \$ 78,157.28, into the Merrimack River Watershed Account.

#### APPROVE PERMIT:

Dredge and fill 29,155 square feet of wetlands for the installation of new air quality structures, and contractor parking, and roadway improvements further described as follows: Temporarily impact 2250 square feet of palustrine forested wetlands, including 1,314 cubic yards of 100-year flood plain for a chimney fabrication area, and permanently impact 26,905 square feet of scrub shrub wetlands for contractor parking and roadway improvements.

#### With Conditions:

1. All work shall be in accordance with plans by TF Moran sheets 17, 20, 21, 49, 51, 75, of 83 dated June 12, 2008, and revised through October 22, 2008, as received by the Department on October 27, 2008 and sheets 14, 27 and 52, of 83 dated June 12, 2008 and revised through December 11, 2008, as received by the Department on December 12, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. Removal of trees or saplings within 50 feet of the reference line must comply with RSA 483-B:9V(a).
5. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
6. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
7. Work shall be done during low flow.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. The applicant is to restore 35,485 square feet (1,314 cubic yards) of the 100-year flood plain impacted as part of this project by the expiration date of the wetland permit.
12. Area of temporary impact shall be regraded to original contours following completion of work, and all materials shall be removed from jurisdiction and from the 100-year flood plain.
13. All material removed during work activities shall be placed out of DES's jurisdiction.
14. Mulch within the restoration of the temporary impact area that is also within wetlands shall be straw.
15. Seed mix within the restoration area shall be a seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications.
16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be

stabilized within 14 days by seeding and mulching.

18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

19. Silt fencing must be removed once the area is stabilized.

20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

21. This approval is contingent on receipt by DES of a one time payment of \$ 78,157.28, to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.

22. The applicant shall provide a report to NH DES Wetlands including those areas identified for potential New England Cottontail Habitat enhancement. This report shall include the, locations, and status of the enhancements proposed.

23. The applicant shall provide receipts or alternate evidence, by January 1, of the next 5-years that they have contributed to the 5-year program designed to identify, manage and foster potential habitat for the New England Cottontail within existing PSNH Right-of-Ways.

24. This permit is contingent upon the execution of a conservation easement on 10.3 acres as depicted on plans by TF Moran dated September 15, 2008, as received by the Department on October 22, 2008.

25. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

26. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction within wetland jurisdiction.

27. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.

28. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes], by February 1, 2009.

29. There shall be no removal of the existing vegetative undergrowth within the easement area, except as overseen by the NH Fish and Game Department for the enhancement or management of habitat for New England Cottontail.

30. The placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited within the easement area.

31. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

32. The applicant shall install permanent signs every 50 feet establishing the 100 foot no-cut buffer from the existing vernal pool on the site.

33. A post-construction report documenting the status of the restored temporary impact area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

#### With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c); Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.

2. The proposed scrubber has been mandated to be installed by the NH Legislature per HB 1673.

3. The size and weight of the sections of the chimney require the fabrication area in close proximity to the installation location.

3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The security requirements of the plan and the safety of employees limits the location of the parking areas.

5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

7. DES Staff conducted a field inspections of the proposed project on May 22, 2008 and October 6, 2008. Field inspection observed the wetlands to be impacted by the chimney fabrication area are within the 100-year flood plain, the wetlands proposed to be impacted as part of the contractor parking area are scrub shrub and part of a larger wetland complex. The greatest area of impact is alongside the existing roadway and has been disturbed in the past.

8. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the resources, as

identified under RSA 482-A:1.

9. The applicant has conserved through a conservation easement 10.3 acres, to be held by the Town of Bow.

10. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.

11. The payment calculated for the proposed wetland loss equals \$78,157.28.

12. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).

13. The payment into the ARM fund shall be deposited in the DES fund for the Merrimack River watershed per RSA 482-A:29.

14. The applicant received an approval of the request for vested rights under the Comprehensive Shoreland Protection Act on October 22, 2008.

15. The applicant received an approval, WPS-8261, from the Alteration of Terrain Program on November 13, 2008.

## MINOR IMPACT PROJECT

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**2008-00384 CLARIDGE, JOHN**  
**SANBORTON Unnamed Wetland**

### Requested Action:

Dredge and fill 776 square feet to replace an existing 30-inch x 35 foot culvert with a 2.25 x 2-foot x 40 foot box culvert for road access in the subdivision of approximately 34 acres into 6 single family residential lots.

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### APPROVE PERMIT:

Dredge and fill 776 square feet to replace an existing 30-inch x 35 foot culvert with a 2.25 x 2-foot x 40 foot box culvert for road access in the subdivision of approximately 34 acres into 6 single family residential lots.

### With Conditions:

1. All work shall be in accordance with plans by Eckman Engineering dated November 19, 2007, and revised through November 25, 2008, as received by the Department on December 1, 2008, and Subdivision Plans by Central Land Surveying dated September 16, 2008, as received by the Department on September 18, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
6. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
12. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the

substructure work area from the surface waters.

13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

14. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.

15. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.

16. Temporary cofferdams shall be entirely removed immediately following construction.

17. Proper headwalls shall be constructed within seven days of culvert installation.

18. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

21. Silt fencing must be removed once the area is stabilized.

22. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

#### With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1); Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The proposal is at the existing crossing of the perennial stream.

4. applicant has provided information illustrating that providing an adequately sized culvert at this location would overwhelm the existing downstream culvert under a public road.

5. The applicant is providing a box culvert with an emulated channel that will be an improvement over the existing crossing.

6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

7. The applicant has provided detention and stormwater treatment for the proposed subdivision.

8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-01533 FRANKS, WILLIAM**  
**MEREDITH Unnamed Wetland**

#### Requested Action:

Dredge and fill 7520 square feet of previously disturbed and man made wetland for the commercial development of a retail facility and associated parking.

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#### APPROVE PERMIT:

Dredge and fill 7520 square feet of previously disturbed and man made wetland for the commercial development of a retail facility and associated parking.

#### With Conditions:

1. All work shall be in accordance with plans by Fluet Engineering dated November 10, 2008, as received by the Department on December 1, 2008.

2. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence

construction no less than five (5) business days prior to the commencement of construction.

3. Work shall be conducted during low water conditions.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h); Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has conducted a function and value assesment of the wetlands on site and they are avoiding the more valuable wetlands on this site.

**2008-02398                      HOWARD REVOCABLE TRUST**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Repair and existing 6 ft x 28 ft 4 in dock supported by a full crib connected to a 5 ft 3 in x 28 ft 4 in dock supported by a full crib by a 5 ft x 25 ft 6 in walkway, accessed by a 6 ft x 21 ft 6 in walkway supported by a full crib, with a 14 ft 3 in x 28 ft 4 in boathouse over the center slip, install a 3 pile ice cluster adjacent to the eastern dock, on Lake Winnepesaukee, Alton.

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Conservation Commission/Staff Comments:

Con Com submitted comments stating project description different than plans

APPROVE PERMIT:

Repair and existing 6 ft x 28 ft 4 in dock supported by a full crib connected to a 5 ft 3 in x 28 ft 4 in dock supported by a full crib by a 5 ft x 25 ft 6 in walkway, accessed by a 6 ft x 21 ft 6 in walkway supported by a full crib, with a 14 ft 3 in x 28 ft 4 in boathouse over the center slip, install a 3 pile ice cluster adjacent to the eastern dock, on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated October 22, 2008, as received by DES on November 03, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. The repairs shall maintain the size, location and configuration of the pre-existing structures.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and

shall remain until the area is stabilized.

7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.

9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

#### With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(m), installation of ice clusters which do not add a slip.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has an average of 170 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
6. The installation of an ice cluster to protect the structure will require less future maintenance and thus reduce environmental impact and meets the requirements of Rule Env-Wt 402.21, Modification of Existing Structures.

## MINIMUM IMPACT PROJECT

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**2008-02243                      WEBSTER, JAMES & JANE**  
**TUFTONBORO   Unnamed Wetland**

#### Requested Action:

Deny permit request to dredge and fill 436 square feet including installation of twin 15-inch x 24 foot culverts and a 20-foot rip-rap outlet for recreational access to the rear portion of the lot.

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#### DENY PERMIT:

Deny permit request to dredge and fill 436 square feet including installation of twin 15-inch x 24 foot culverts and a 20-foot rip-rap outlet for recreational access to the rear portion of the lot.

#### With Findings:

1. This is a Minimum Impact Project per NH Code of Administrative Rule Env-Wt 303.04(f); Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.

Findings of Fact:

7. The Department received a permit by Notification on September 17, 2007, to install twin 15-inch culverts and provide recreational access to rear of the property.
8. The plans submitted with the permit by Notification, dated September 6, 2007, illustrated all structures and improvements on the lot as proposed.
9. On September 21, 2007, the Department informed the applicant that it appeared upland access was available to the north of the proposed crossing. DES requested the topography of this adjacent upland area to illustrate if access was available.
10. The applicant never responded to this request and the application was denied untimely on January 31, 2008.
11. A Standard Dredge and Fill application was submitted on October 14, 2008, to install twin 15-inch culverts and provide recreational access to the rear of the property.
12. The plans received with the Standard Dredge and Fill application dated September 18, 2008, indicate that the home, Effluent Disposal Area, and Well have been constructed as depicted on the September 2007 plans.
13. The property has not changed ownership since the original application when the property owners were made aware of the avoidance and minimization rules and the DES preferred least impacting alternative.
14. The new plans indicate that the topography through the area to the north of the proposed crossing is generally flat, and that the distance to the property line from the wetland is 75 linear feet.
15. The existing crossing is 35-feet in length at the tow of the fill, indicating that there is enough room for both the crossing and the 20 foot setback to the property line.
16. The applicant has proposed a 20-foot long rip-rap apron with a 24-foot long culvert, the applicant has not provided any drainage information indicating that the is necessary.
17. The proposed wetland crossing is only 10-feet wide. If, as the applicant indicates, there is a hardship on the lot with construction of the house structure and well location. They still can construct a spanning structure that would be entirely outside of wetland jurisdiction as a lesser impacting alternative.
18. The applicant is concerned with removal of "significant tree coverage...which facilitates drainage and filters chemical and fertilizer runoff". This concern does not appear to be demonstrated on the other developed portions of the lot.

Findings in Support of Denial:

19. The application is denied as the proposed project does not meet the public purpose as defined in RSA 482-A.
20. The application is denied in accordance with Env-Wt 302.04(d)(1), as the wetland is narrow enough to be spanned with supports located outside of wetland jurisdiction. Thus, the applicant failed to demonstrate that the alternative proposed is the least impacting to DES Wetlands jurisdiction.
21. The application is denied in accordance with Env-Wt 302.04(d)(3), as the applicant has failed to provide a clear need for the proposed project, as there is upland access available.
22. The application is denied in accordance with Env-Wt 302.04(e)(2), as the applicant has not addressed lesser impacting alternatives.

**2008-02261 BELMONT, TOWN OF  
BELMONT Unnamed Wetland**

Requested Action:

Dredge and fill 200 square feet within to lower the invert of the existing perched culvert to the original grade elevation.

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APPROVE PERMIT:

Dredge and fill 200 square feet within to lower the invert of the existing perched culvert to the original grade elevation.

With Conditions:

1. All work shall be in accordance with plans by Rick Ball dated October 9, 2008, as received by the Department on October 14, 2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Work shall be done during periods of non-flow.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain



until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

6. Repair shall maintain existing size, and orientation.

7. Proper headwalls shall be constructed within seven days of culvert installation.

8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

9. Silt fencing must be removed once the area is stabilized.

10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. The NH Dept of Fish and Game has provided comments that the proposed project will not impact the listed species located on or near this site.

**2008-02386                      RUMNEY, TOWN OF**  
**RUMNEY   Coffin Pasture Brook**

Requested Action:

Follow-up report for an emergency authorization issued by DES on November 6, 2008 to construct a 8 ft. x 8 ft. concrete wing wall. The wing wall was needed to repair a washed out roadway and stream bank between Coffin Pasture Brook and East Rumney Road.

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CONFIRM EMERGENCY AUTHORIZATION:

Dredge and fill approximately 8 linear feet of eroded bank between Coffin Pasture Brook and East Rumney Road to construct a new approximately 8 ft. long x 6 ft. high x 2 ft. wide concrete wing wall.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

2. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. DES issued an emergency authorization on November 6, 2008 to repair the eroded roadway embankment.

4. The emergency repairs were needed to protect the existing culvert and roadway and provide safe roadway passage for the public.  
5. No work was conducted within the water or bed of the stream and it appears only minimal impacts were conducted to the jurisdictional stream bank.

6. The constructed wing wall is attached to the existing culvert footing and runs parallel to the roadway embankment.

## FORESTRY NOTIFICATION

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**2008-02773                      GEPHART, JOHN**  
**SANDWICH   Unnamed Stream Prime Wetland**

COMPLETE NOTIFICATION:  
Sandwich Tax Map R9, Lot# 7 & 7A

**2008-02774                      CROOKER-BATES, CAROL**  
**SANDWICH   Unnamed Stream Prime Wetlands**

COMPLETE NOTIFICATION:  
Sandwich Tax Map R9, Lot# 8 & 8B

**2008-02775                      KLOSE, PETER & ELAINE**  
**EATON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Eaton Tax Map R10, Lot# 23A

**2008-02785                      MEADOWSEND TIMBERLANDS LTD**  
**SWANZEY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Swanzey Tax Map 90, Lot# 2

**2008-02786                      MEADOWSEND TIMBERLANDS LTD**  
**WINCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Winchester Tax Map 12, Lot# 33

**2008-02787                      HEATH REVOC TRUST OF 1998, JEFFERY**  
**CONWAY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Conway Tax Map 223, Lot# 3

**2008-02788                      DRED, STATE FOREST NURSERY**  
**SPRINGFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Springfield Tax Map 11, Lot# 563,153

**2008-02789                      BLAKE, WAYNE & LAVON**  
**MEREDITH   Unnamed Wetland Prime Wetland**

COMPLETE NOTIFICATION:  
Meredith Tax Map R13, Lot# 14

**2008-02806                      COLBY, CAROLE**  
**BOW   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bow Tax Map 15, Lot# 1-88

**2008-02807                      GLINES, NORMA**  
**NORTHFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Northfield Tax Map R8, Lot# 14

**2008-02808                      MCLAIN, ALAN**  
**BERLIN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Berlin Tax MAp 402, Lot# 24 & 27

**2008-02810                      BAYROOT LLC - MOXIE TREE FARM**  
**CARROLL   Unnamed Stream**

COMPLETE NOTIFICATION:  
Carroll Tax Map 408, Lot# 8

**2008-02811                      BAYROOT LLC - MOXIE TREE FARM, C/O WAGNER FOREST M**  
**SUCCESS   Unnamed Stream**

COMPLETE NOTIFICATION:  
Success Tax Map 1612, Lot# 5

**2008-02813                      MERRILL, CLARENCE & JUDITH**  
**GROTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Groton Tax Map 3, Lot# 9

**2008-02814                      MCLANE, MICAH & HANNAH**  
**GROTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Groton Tax Map 3, Lot# 9

**2008-02824                      HUGHES TRUST, ADELAIDE**  
**WAKEFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:

Wakefield Tax Map 29, Lot# 8

**2008-02825                      HUGHES TRUST, ADELAIDE**  
**BROOKFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:

Brookfield Tax Map 12, Lot# 1

EXPEDITED MINIMUM

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**2004-02457                      CBDA DEVELOPMENT LLC**  
**ROCHESTER   Unnamed Wetland**

Requested Action:

Approve name change to CDBA Development, LLC, 33 South Commercial St., Manchester, NH 03101 per request received 12/23/2008. Previous owner: Little Quarry LLC.

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Conservation Commission/Staff Comments:

The Rochester Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE NAME CHANGE:

Fill 1,600 square feet of forested wetland to access a 23-lot subdivision as phase 1 associated with a multiphase subdivision.

With Conditions:

1. All work shall be in accordance with following plans by Appledore Engineering, Inc. a.) The Grading, Drainage and Erosion Control Plan (Sheet C-2) dated December 14, 2004, as received by the Department on January 26, 2005;
- b.) The Wetlands Impact Plans (Sheets 1&2) dated December 9, 2004, as received by the Department on December 29, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Work shall be done during low flow conditions.

9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2006-02719                      DAVLYNN HOMES LLC**  
**BARRINGTON   Unnamed Wetland**

Requested Action:

Approve name change to: Davlynn Homes LLC, 25 Maplevale Rd., E Kingston, NH 03827 per request received 12/30/2008.

Previous owner: Susan Lancey

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APPROVE NAME CHANGE:

Dredge and fill 900 sq. ft. of wetland including installation of a 24" x 30' culvert for construction of a driveway crossing for a single family building lot.

With Conditions:

1. All work shall be in accordance with plans by Groover Septic Design dated 9/12/2006, as received by the Department on 10/24/2006.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
5. There shall be no further alteration of wetlands for lot development, driveways, or additional culverts.
6. No fill shall take place in Atlantic white cedar swamps.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Work shall be done during low flow.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2008-02030                      RICHARDS, LINCOLN**  
**WOODSTOCK   Tributary To Mirror Lake**

Requested Action:

Proposal to dredge and fill approximately 640 sq. ft. (78 linear ft.) of intermittent stream and associated wetlands for replacement of an existing culvert within a subdivision access road and installation of a new culvert crossing for 1-lot of the 5-lot re-subdivision/lot line adjustment project.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill approximately 216 sq. ft. (48 linear ft.) of intermittent stream and associated wetlands for replacement of an existing 15 in. x 40 ft. CMP culvert with a 30 in. x 40 ft. plastic culvert and associated stone and mortar headwalls within an existing subdivision access road.

With Conditions:

1. All work shall be in accordance with plans by Sabourn Surveying, Inc., re-subdivision & lot line adjustment plan, revision dated December 5, 2007 and impact plan revision dated November 24, 2008, as received by DES on December 9, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. The replacement culvert shall be set to match the natural inlet and outlet stream bed grade/elevation and shall not impede natural stream flows.
6. Work shall be done during non-flow.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n) Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has withdrawn the proposed impacts for access to lot-9 and will utilize uplands from the existing access road west of the proposed culvert replacement.
6. There are no new lots being added but the lot lines for 5-lots (includes an access road lot) of the 1970 subdivision are being adjusted.

**2008-02112                      SCEPTRE CUSTOM HOMES LTD**  
**LOUDON   Unnamed Wetland**

Requested Action:

Dredge and fill 1038 square feet of palustrine forested wetland including installation of a 36-inch x 20-feet for access in the subdivision of 5.54 into two single family building lots.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 1038 square feet of palustrine forested wetland including installation of a 36-inch x 20-feet for access in the subdivision of 5.54 into two single family building lots.

With Conditions:

1. All work shall be in accordance with plans by Richard D Bartlett & Associates dated August 28, 2008, as received by the Department on October 2, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #x of this approval.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Work shall be done during periods of non-flow.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f); Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-02748                      WESTWIND TRUST, ROBERT & AMY JOHNSON**  
**NEW LONDON   Pleasant Lake**

Requested Action:

Replace an existing 4 ft x 30 ft seasonal pier with a 6 ft x 30 ft seasonal pier anchored to a 6 ft x 4 ft concrete pad on an average of 151 ft of frontage on Pleasant Lake in New London.

\*\*\*\*\*

APPROVE PERMIT:

Replace an existing 4 ft x 30 ft seasonal pier with a 6 ft x 30 ft seasonal pier anchored to a 6 ft x 4 ft concrete pad on an average of 151 ft of frontage on Pleasant Lake in New London.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated November 20, 2008, as received by DES on December 18, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only docking structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
6. No portion of the concrete pad shall extend lakeward of the full lake elevation.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project in accordance with Rule Env-Wt 303.04 (a), construction of a 2 slip seasonal pier.

**X-SHORELAND VARIANCE / WA**

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**2008-00208                      YOUSSEF TRUST, SUSAN**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

The Applicant requests that the permit conditions be amended to more specifically identify the approved plans.

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Inspection Date: 12/17/2007 by Thomas Gilbert

APPROVE AMENDMENT:

Replace an existing nonconforming structure with a proposed structure on property with approximately 60 ft of frontage on Lake Winnepesaukee in Laconia.



With Conditions:

Amend Conditions to read:

1. All work shall be in accordance with revised building plans and landscaping plans by Paul M. Darbyshire, as modified by Patrick H. Wood, dated March 12, 2008 and received by the Department of Environmental Services ("DES") on November 24, 2008.
2. This approval includes a waiver of RSA 483-B:9,II(b) and, therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 29.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will impact no existing unaltered areas within the Natural Woodland Buffer beyond the primary building setback.
5. An initial vegetation monitoring report shall be submitted to DES by July 30, 2010 to review the success of the plantings and schedule remedial actions if necessary. This report shall be submitted to DES with photographs demonstrating the condition of the plantings, include any necessary remedial actions, and contain a schedule for completing the remedial actions. The report shall reference the Shoreland Permit number and be sent to the DES Wetlands Bureau, 29 Hazen Drive, Concord, NH 03302.
6. Proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
7. The proposed pervious concrete shall be installed and maintained in accordance with the manufacturers specifications.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing structure, located on property identified as Laconia Tax Map 274, Block 178, Lot 6, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The proposed primary structure will be located approximately 2.8 ft further back than the existing primary structure.
4. The Applicant has proposed to reduce the amount of impervious surface on the property by approximately 170 sq ft.
5. The Applicant has proposed to plant native species along the shoreline including Lowbush Blueberry, Lilac, Juniper, Sweet Gale and Chokecherry to enhance the Waterfront Buffer.
6. The applicant has proposed to install stormwater controls consisting of infiltration trenches along the drip edges of the proposed structure to facilitate stormwater infiltration.
7. The applicant has proposed to replace the existing driveway with porous concrete.
8. The applicant's proposal will decrease the amount of impervious surface on the property by approximately 170 sq ft and will improve nutrient attenuation and wildlife habitat by planting native vegetation within the 50 ft Waterfront Buffer and installing stormwater controls.
9. Based on this information, the Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters and meets the requirements of RSA 483-B:11, II, therefore the request waiver is granted.

## PERMIT BY NOTIFICATION

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**2008-02770 PSNH**  
**BOW Unnamed Wetland**

### Requested Action:

Proposal to temporarily impact approximately 2604 sq. ft. of wetlands for maintenance/repairs to seven utility pole structures along the H-137 power transmission line right of way in the Town of Bow.

\*\*\*\*\*

### PBN IS COMPLETE:

Temporarily impact approximately 2604 sq. ft. of wetlands for maintenance/repairs to seven utility pole structures along the H-137 power transmission line right of way in the Town of Bow.

### With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af) Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way.
2. The NH Fish & Game Department informed the Department that they do not have any issues with the PBN for this area and the proposed activities.
3. The Town of Bow received the notification on December 17, 2008. The Department has not received any comments from the Bow Conservation Commission regarding the proposed maintenance activities/PBN.

**2008-02795 VOUDRIEN, FRANCIS**  
**CHESTERFIELD Connecticut River**

### Requested Action:

Repair 110 linear feet of retaining wall in kind on property having 170 feet of frontage on the Connecticut River.

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### PBN IS COMPLETE:

Repair 110 linear feet of retaining wall in kind on property having 170 feet of frontage on the Connecticut River.

**2008-02803 SWAIN, TERRELL**  
**PITTSBURG First Connecticut Lake**

### Requested Action:

Construct a concrete pad to anchor a single seasonal pier on 268 ft frontage on First Connecticut Lake.

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### PBN IS COMPLETE:

Construct a concrete pad to anchor a single seasonal pier on 268 ft frontage on First Connecticut Lake.

**CSPA PERMIT**

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**2008-02204                      DILELLA, PETER**  
**GILFORD   Lake Winnepesaukee**

**Requested Action:**

Impact 768 sq ft to excavate for a foundation within the existing footprint of an existing structure.

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**APPROVE PERMIT:**

Impact 768 sq ft to excavate for a foundation within the existing footprint of an existing structure.

**With Conditions:**

1. All work shall be in accordance with plans by Steven J. Smith & Associates, Inc. and modified by Peter Dilella dated August 8, 1990 and received by the Department of Environmental Services ("DES") on December 24, 2008.
2. There shall be no increase in impervious surface on the lot as a result of this project.
3. The project as proposed will impact no existing unaltered areas located within the Natural Woodland Buffer beyond the primary building setback.
4. There shall be no lakeward expansion of the proposed structure without additional approval from DES
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-02234                      CHAPMAN, JAMES/LESLIE**  
**BELMONT   Lake Winnisquam**

**Requested Action:**

Impact 1,177 sq ft to construct a proposed flagstone walkway, associated stairways, a garage, and expand a gravel driveway.

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**APPROVE PERMIT:**

Impact 1,177 sq ft to construct a proposed flagstone walkway, associated stairways, a garage, and expand a gravel driveway.

**With Conditions:**

1. All work shall be in accordance with revised building plans by Richard D. Bartlett & Associates, LLC dated December 8, 2008 and received by the Department of Environmental Services ("DES") on December 18, 2008.
2. No more than 19.53% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,007 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,968 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. The proposed walkway shall be no more than 6 ft wide.
6. In order to be in compliance with RSA 483-B:9 V(e)(2), there shall be no more than 1 residential unit, as described in RSA

483-B:4 XIX, that is dependant on an on-site septic system on the property.

7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-02493                      8 LOVEREN LANE LLC, BRUCE GURALL**  
**ALTON   Lake Winnepesaukee**

**Requested Action:**

Applicant requests amendment to permit for the purposes of increasing impervious surfaces and decreasing area to remain in the unaltered state.

\*\*\*\*\*

**APPROVE AMENDMENT:**

Amendment to permit 2008-02493. Amendment to read as follows: Impact 7,115 sq ft for the purpose of constructing an addition with garage to an existing single family dwelling, expanding the existing driveway, and removing an existing shed.

**With Conditions:**

1. All work shall be in accordance with plans by Thomas Varney dated December 2, 2008 and received by the Department of Environmental Services ("DES") on December 18, 2008.

2. All proposed activities associated with the removal and installation of septic systems are contingent on approval by the DES Subsurface Systems Bureau.

3. The area within the waterfront buffer where the existing septic system is to be removed according to plans by Thomas Varney shall be revegetated with native trees, shrubs and ground covers upon completion of project installation.

4. No more than 24.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

5. Orange construction fencing shall be placed at the limits of construction.

6. The project as proposed will leave approximately 2,335 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,312 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-02495                      MAX IRREVOCABLE TRUST, RONALD & JOAN**  
**WASHINGTON   Island Pond**

Requested Action:

Impact 3770 sq ft for the purpose of constructing a garage and a driveway.

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APPROVE PERMIT:

Impact 3770 sq ft for the purpose of constructing a garage and a driveway.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services Inc. dated October 27, 2008, as revised December 22, 2008, and received by the Department of Environmental Services ("DES") on December 23, 2008.
2. No more than 19.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Orange construction fencing shall be placed at the limits of all construction.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. The project as proposed will leave approximately 9,579 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,862 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-02557                      MCM REALTY LLC**  
**PLAISTOW   Little River**

Requested Action:

Impact 2,857 sq ft for the purpose of regrading and redeveloping an existing parking area.

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APPROVE PERMIT:

Impact 2,857 sq ft for the purpose of regrading and redeveloping an existing parking area.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering Inc. dated November 19, 2008 and received by the Department of Environmental Services ("DES") on November 26, 2008.
2. No more than 43.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 10,730 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,895 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.
13. This permit is contingent on approval by the DES Subsurface Systems Bureau.

With Findings:

1. The proposed project does not involve the expansion of a non-conforming structure and, therefore, does not require a redevelopment waiver in accordance with RSA 483-B:11, of the CSPA.

**2008-02620                      BOULDERWOOD TRUST, C/O LOUIS SHIPLEY**  
**HOLDERNESS   Squam Lake**

Requested Action:

Impact 2600 sq ft for the purpose of construction of driveway leading from Preston Road across Boulderwood Trust Common Land to Camp 7 an existing parking area within Camp lot# 7.

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APPROVE PERMIT:

Impact 2600 sq ft for the purpose of construction of driveway leading from Preston Road across Boulderwood Trust Common Land to Camp 7 an existing parking area within Camp lot# 7.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated October 31, 2008 and received by the Department of Environmental Services ("DES") on December 4, 2008.
2. No more than 14.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. The project as proposed will leave approximately 5,890 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,536.25 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or

contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-02640                      SDK LANDHOLDINGS LLC**  
**PELHAM   Beaver Brook**

Requested Action:

Impact 24,692 sq ft for the purpose of constructing a single family dwelling with a deck, a swimming pool, a driveway and installing a septic system.

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APPROVE PERMIT:

Impact 24,692 sq ft for the purpose of constructing a single family dwelling with a deck, a swimming pool, a driveway and installing a septic system.

With Conditions:

1. All work shall be in accordance with plans by Edward N. Herbert Assoc. Inc. dated December 29, 2008 and received by the Department of Environmental Services ("DES") on December 30, 2008.
2. This permit is contingent upon the Applicant maintaining compliance with individual sewage disposal system permit CA2002040496 as per RSA 485-A:29.
3. This permit is contingent on subdivision approval SA2001002597 as per RSA 485-A:29.
4. Orange construction fencing shall be placed at the limits of construction.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. No more than 13.4 % of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 17,532 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 17,240 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-02677                      MILLSTONE REALTY TRUST**  
**PITTSFIELD   Jenness Pond**

Requested Action:

Impact 5,356 sq ft for the purpose of constructing a single family dwelling, garage, driveway and deck.

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APPROVE PERMIT:

Impact 5,356 sq ft for the purpose of constructing a single family dwelling, garage, driveway and deck.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering & Surveying Inc. dated August 10, 2008 and received by the

Department of Environmental Services ("DES") on December 9, 2008.

2. The proposed activities associated with the removal and installation of any docking structures are contingent on the receipt of a Wetlands Permit per RSA 482-A.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. No more than 19.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 5,250 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,776 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

#### CSPA PERMIT W/WAIVER

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**2008-01469                      TOMES, CHARLES**  
**WINDHAM   Cobbett's Pond**

#### Requested Action:

Impact 7,200 sq ft to expand an existing nonconforming structure and excavate and regrade for installation of a proposed driveway and retaining wall.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a structure that encroaches upon the primary building setback.

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#### APPROVE PERMIT:

Impact 7,200 sq ft to expand an existing nonconforming structure and excavate and regrade for installation of a proposed driveway and retaining wall.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a structure that encroaches upon the primary building setback.

#### With Conditions:

1. All work shall be in accordance with revised building plans by Benchmark Engineering dated December 17, 2008 and received by the Department of Environmental Services ("DES") on December 19, 2008 and landscaping plans by Benchmark Engineering Dated November 22, 2008 and received by DES on December 3, 2008.
2. This approval includes a wavier of the minimum primary building setback standard set forth in RSA 483-B:9, II(b). This permit shall not be effective until it has been recorded with the appropriate Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. No more than 19.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 7,900 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,890 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain



in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

5. This permit is contingent on approval by the DES Subsurface Systems Bureau.

6. An initial vegetation monitoring report shall be submitted to DES by July 30, 2010 to review the success of the plantings and schedule remedial actions if necessary. This report shall be submitted to DES with photographs demonstrating the condition of the plantings, include any necessary remedial actions, and contain a schedule for completing the remedial actions. The report shall reference the Shoreland Permit number and be sent to the DES Wetlands Bureau, 29 Hazen Drive, Concord, NH 03302.

7. Proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.

8. The proposed permeable pavers shall be installed and maintained in accordance with the manufacturers specifications.

9. The proposed permeable pavers shall be sufficient to allow for effective stormwater infiltration. If the proposed permeable pavers cease to effectively infiltrate stormwater at any point in time, then the owner is responsible for replacing the defective product or maintaining at least 50 points of vegetation within the 50 ft waterfront buffer.

10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

#### With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.

2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The project as proposed would result in a decrease in impervious surface by approximately 3,455 sq ft.

4. The applicant has proposed to install stormwater controls consisting of roof drains that shall direct stormwater to a proposed drywell.

5. The applicant has proposed to plant native vegetation within the 50 ft waterfront buffer as specified on landscaping plans by Benchmark Engineering dated November 22, 2008 and received by DES on December 3, 2008.

6. The applicant has proposed to decrease the amount of impervious surface on the lot by approximately 3,455 sq ft, install stormwater controls, and plant native vegetation, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2008-02270                      MURPHY, ROBERT/BARBARA**  
**HOLDERNESS   Squam Lake**

#### Requested Action:

Impact 6,798 sq ft to renovate an existing primary structure and remove and relocate a paved driveway.

WAIVER APPROVED: RSA 483-B:9,II(b)is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

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#### APPROVE PERMIT:

Impact 6,798 sq ft to renovate an existing primary structure and remove and relocate a paved driveway.

WAIVER APPROVED: RSA 483-B:9,II(b)is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with revised building plans and landscaping plans by New Hampshire Environmental Consultants, LLC dated December 15, 2008 and received by the Department of Environmental Services ("DES") on December 17, 2008.
2. This approval includes a waiver of the minimum primary building setback set forth in RSA 483-B:9,II(b) and, therefore, shall not be effective until it has been recorded at the Grafton County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 16.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed shall impact no existing unaltered areas located within the Natural Woodland Buffer beyond the primary building setback.
5. All exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. An initial vegetation monitoring report shall be submitted to DES by July 30, 2010 to review the success of the plantings and schedule remedial actions if necessary. This report shall be submitted to DES with photographs demonstrating the condition of the plantings, include any necessary remedial actions, and contain a schedule for completing the remedial actions. The report shall reference the Shoreland Permit number and be sent to the DES Wetlands Bureau, 29 Hazen Drive, Concord, NH 03302.
7. Proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the total amount of impervious surface on the lot by approximately 517 sq ft.
4. The applicant has proposed to plant native vegetation as specified on landscaping plans by New Hampshire Environmental Consultants, LLC dated December 15, 2008 and received by DES on December 17, 2008.
5. The applicant has proposed to decrease the total amount of impervious surface on the lot by approximately 517 sq ft and plant native vegetation, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2008-02412                      WOOD, ANN/ARNIE**  
**NEWBURY   Lake Sunapee**

Requested Action:

Impact 4,125 sq ft for the purpose of adding a two (2) car garage and master bedroom to an existing nonconforming structure.

**WAIVER APPROVED:** RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

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**APPROVE PERMIT:**

Impact 4,125 sq ft for the purpose of adding a two (2) car garage and master bedroom to an existing nonconforming structure.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Landforms dated October 20, 2008 and received by the Department of Environmental Services ("DES") on November 5, 2008.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 19.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 7,379 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,379 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Sunapee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to enhance the waterfront buffer by planting 50 lowbush blueberry bushes.
4. The applicant has proposed to install stormwater controls consisting of a drywell to intercept stormwater runoff from the driveway and roof.
5. The applicant has proposed to crown the existing gravel driveway and construct drainage swales to better handle storm water runoff.
6. The applicant has proposed to enhance the waterfront buffer by planting native vegetation and install effective stormwater controls, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2008-02475**                      **LYONS, ROBERT**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Impact 4,554 sq ft for purposes of constructing a garage and breezeway and attaching to existing dwelling and relocate the existing driveway.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the

primary building setback.

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#### APPROVE PERMIT:

Impact 4,554 sq ft for purposes of constructing a garage and breezeway and attaching to existing dwelling and relocate the existing driveway.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

#### With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated October 20, 2008 and received by the Department of Environmental Services ("DES") on November 13, 2008.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 16.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 8,405 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,755 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.

#### With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls consisting of 1 foot deep x 1 feet infiltration trenches on the northerly and westerly perimeters of the proposed garage and breezeway.
4. The applicant has proposed to plant 1,250 sq ft of lowbush blueberry sod within the waterfront buffer to better handle storm water runoff.
5. The applicant has proposed to plant lowbush blueberry and hay scented fern along the south east side of the patio and east of the shore-side deck to better handle storm water runoff.
6. The applicant has proposed to install stormwater controls as well as significant vegetative enhancements to the waterfront buffer and natural woodland buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2008-02497 CULL REVOC TRUST, RICHARD  
HAMPTON Atlantic Ocean**

**Requested Action:**

Impact 4,563 sq ft for the purpose of demolishing existing nonconforming structure and reconstructing a new residential dwelling with a greater setback.

**WAIVER APPROVED:** RSA 483-B:9,(v)(g)(I) is waived to allow the reconstruction of structures that exceed the 30 % impervious surface limit.

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**APPROVE PERMIT:**

Impact 4,563 sq ft for the purpose of demolishing existing nonconforming structure and reconstructing a new residential dwelling with a greater setback.

**WAIVER APPROVED:** RSA 483-B:9,(v)(g)(I) is waived to allow the reconstruction of structures that exceed the 30 % impervious surface limit.

**With Conditions:**

1. All work shall be in accordance with plans by Fullerton Associates dated November 4, 2008 and received by the Department of Environmental Services ("DES") on November 18, 2008.
2. This approval includes a waiver of RSA 483-B:9,(v)(g)(I) and, therefore, shall not be effective until it has been recorded at the Rockingham County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 45.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. There shall be no additional impervious surfaces constructed on this property.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

**With Findings:**

1. The existing lot is composed of greater than 30% impervious surfaces and, therefore, fails to conform to the restriction set forth in RSA 483-B:9,(v)(g)(I), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The Applicant has proposed to reconstruct the residential dwelling approximately 10 feet further back from the reference line.
4. The Applicant has proposed to significantly enhance the natural woodland buffer by planting shrubs and grass within area that are currently sand and devoid of natural ground cover.
5. The applicant has proposed to increase the distance of the dwelling from the reference line and significantly enhance the natural

woodland buffer and, therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.